

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

BERT MEYER,) CIVIL NO. 04-00049 HG/BMK
) (In Admiralty)
Plaintiff,)
)
vs.)
)
MATSON NAVIGATION COMPANY,)
INC.,)
)
Defendant.)

DEPOSITION OF BERT MEYER

Taken on behalf of the Defendant MATSON NAVIGATION
COMPANY, INC., at the law offices of Goodsill,
Anderson, Quinn & Stifel, 1099 Alakea Street, 1800
Ali'i Place, Honolulu, Hawaii 96813, commencing at
9:50 a.m., on Tuesday, August 31, 2004, pursuant to
Notice.

BEFORE: MYRLA R. SEGAWA, CSR No. 397
Notary Public, State of Hawaii

1 APPEARANCES:

2 For Plaintiff BERT METER:

3 PRESTON EASLEY, ESQ.
4 2500 Via Cabrillo Marina, Suite 106
5 San Pedro, California 90731-7724
6

7 For Defendant MATSON NAVIGATION COMPANY, INC.:

8 JOHN R. LACY, ESQ.
9 Goodsill, Anderson, Quinn
& Stifel
10 1800 Alii Place
1099 Alakea Street
Honolulu, Hawaii 96813
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1 form.

2 Q And do you know how it had got up to the
3 grate?

4 A Well, the containers are right there and
5 they just swirl around in the air and then they do
6 tend to shoot out. I mean, the animals are right up
7 against the opening of the containers.

8 Q Were there openings in the containers that
9 were along the grate level?

10 A Yes.

11 Q On row 15?

12 A Yes, I believe there was.

13 Q Now, did you report seeing the slime in
14 some places the feces on the grate to anyone?

15 A Yes.

16 Q Who?

17 A I complained about it to Danny Farney.

18 Q And was this before or after the incident?

19 A While we were walking up when we first got
20 up on the ship.

21 Q I'm sorry?

22 A When we first got up on the ship.

23 Q So you told Danny Farney specifically that
24 there was feces and slime stuff on the grate?

25 A Usually when a ship comes in, you know,

1 it's there and it's everywhere on the deck when
2 you're coming up there.

3 Q Okay. But particularly on this night of
4 October 1, do you recall specifically pointing it out
5 to Danny?

6 A No, not pointing it out. Just telling him.

7 Q And what did you tell him?

8 A That there's basically crap everywhere.

9 Q And what did he say?

10 A It's just a joke. He laughed.

11 Q Do you know anything about whether or not
12 the tenders wash down the area before the ship comes
13 in to the harbor?

14 A It doesn't seem like they do.

15 Q Have you ever talked with any of the
16 tenders about what is done about when the ship comes
17 into the harbor?

18 A No, I don't.

19 Q As you're walking on the grate that night,
20 did you lose your footing at any time before this
21 incident?

22 A Not that I can recall.

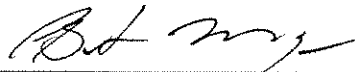
23 Q So when you told Danny about the slime and
24 feces, you say he laughed?

25 A Yeah, everybody laughs who gets stuck in

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1 I, BERT MEYER, do hereby certify that I
2 have read the foregoing pages 1 through 137,
3 inclusive, and corrections, if any, were noted by me;
4 and that same is now a true and correct transcript of
5 my testimony.

6 DATED: Honolulu, Hawaii, November 9, 2004,

7
8
9 

10 BERT MEYER

11
12 Signed before me this _____
13 day of _____, 2004.
14
15 _____
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23 Case: BERT MEYER vs. MATSON NAVIGATION
24 Civil No.: 04-00049 HG.BMK
25 Deposition Dated: August 31, 2004
Taken By: Myrla R. Segawa

SEP 14 2004

C E R T I F I C A T E

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

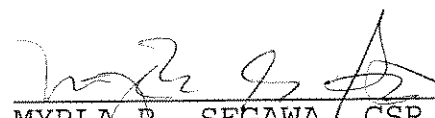
I, MYRLA R. SEGAWA, Notary Public, State of
Hawaii, do hereby certify:

That on Tuesday, August 31, 2004, at
9:50 a.m., appeared before me BERT MEYER, the witness
whose deposition is contained herein; that prior to
being examined he was by me duly sworn;

That the deposition was taken down by me in
machine shorthand and was thereafter reduced to
typewriting under my supervision; that the foregoing
represents, to the best of my ability, a true and
correct transcript of the proceedings had in the
foregoing matter.

I further certify that I am not an attorney
for any of the parties hereto, nor in any way
concerned with the cause.

DATED this 13th day of September, 2004, in
Honolulu, Hawaii.


MYRLA R. SEGAWA, CSR NO. 397
Notary Public, State of Hawaii
My Commission Exp: 1-27-2005